

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
FEBRUARY 3, 2009**

The regular session of the Auburn City Planning Commission was called to order on February 3, 2009 at 6:42 p.m. by Chair Worthington in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Snyder, Spokely, Vitas, Young, Worthington

COMMISSIONERS ABSENT: None

STAFF PRESENT: Wilfred Wong, Community Development Director; Reg Murray, Senior Planner; Lance Lowe, Associate Planner; Sue Fraizer, Administrative Assistant

ITEM I: CALL TO ORDER

ITEM II: APPROVAL OF MINUTES

The minutes of the December 16, 2008 meeting were approved as submitted.

ITEM III: PUBLIC COMMENT

None.

ITEM IV: A. Design Review Permit Extension - 1255 Racquet Club Drive (Auburn Racquet Club) - File #DRP EXT 02-3(C).
The applicant requests approval of a 3-year time extension for the Auburn Racquet Club Expansion approved in 2002.

Planner Murray presented the staff report. He explained that there are no changes to the previously approved project and staff supports the request.

Comm. Vitas asked if there has been any erosion in the last few years.

Planner Murray replied that after initial grading there had been some erosion issues. Staff worked with the applicant and it has been taken care of.

Comm. Snyder asked what notification was sent to the neighbors regarding this request.

Planner Murray replied that it was the standard 300 foot notification.

Comm. Snyder asked what the consequences are for denial of the extension if the City Council were to uphold the denial.

Planner Murray replied that if the applicant wanted to pursue the project, they could re-submit their application.

Comm. Snyder asked if the perimeter wall has been completed.

Planner Murray replied that it has not because they have not begun Phase 1 of the project.

Comm. Snyder inquired about the work that is currently being done at this location.

Planner Murray replied that some work is being done on the County side of the property. He further explained the work that is planned for the project.

The public hearing was opened.

The applicant, Jack Drimmer of 1255 Racquet Club Drive in Auburn stated that he is the owner of Auburn Racquet Club. The reason for the extension is strictly economic. They have done no work on Phase 1 of the project other than erosion control since 2004. In 2007 a major trenching was done through the center of the lot to direct any water run-off so that it no longer affects any neighbors. The project that they're doing now is separate, with the addition of toilets, showers and parking needed to accommodate customers. The new project is to create a multi-purpose, multi-sport club with day-care availability. He feels the economy will change, enabling them to complete this project.

Chair Worthington asked if any complaints have been received from the neighbors.

Mr. Drimmer replied that the last complaint he received was in 2008 which had to do with the creation of some run-off as a result of swimming pool filtration. This is currently being dealt with.

Comm. Snyder asked the applicant to show on the plan the location of Phase 1 and Phase 2. Mr. Drimmer showed the location of the two phases on the overhead plan.

Comm. Young asked the applicant to show on the plan where the erosion control work was done. Mr. Drimmer showed the location of the erosion control work.

Comm. Snyder asked if any erosion control has been done since 2004/2005.

Mr. Drimmer replied that there has not been any erosion control work done since then.

Ms. Laura Harper of 1020 Teal Court in Auburn stated that she is concerned about the flushing of the pools at this project running off onto their street and ending in the collection pond owned by their Homeowner's Association. At times, there is so much water that her plants are dying. She requested that the City perform testing on the water to determine the content.

Director Wong replied that he will ask the city's Public Works Department to perform an inspection for erosion control on the site. The applicant will be required to make any recommended updates.

Comm. Snyder suggested a continuance of this item to allow the city Public Works Department to perform an inspection.

There were no other comments from the audience. The public hearing was closed.

Comm. Snyder **MOVED** to:

Continue this item to the Planning Commission meeting of February 17, 2009.

Comm. Vitas **SECONDED**.

AYES: Snyder, Spokely, Vitas, Young, Chair Worthington
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

B. Tree Permit - 968 Lincoln Way (Designs 1st Office) - File # TP 09-1. The applicant requests approval of a Tree Permit to allow parking lot improvements which encroach within the critical root zone of three native trees. A tree permit is required as the amount of encroachment exceeds 20% of the trees' protected area.

Planner Lowe presented the staff report. He provided the details of the proposal and explained the findings of the arborist. Recommendations of the Arborist Report have been implemented via Conditions of

Approval for the project. The applicant has agreed to the conditions, and staff supports the applicant's request.

Chair Worthington asked if the arborists' recommendation that the building materials are to be removed adjacent to the fence is a part of the Conditions of Approval.

Planner Lowe replied that it is a part of the Conditions of Approval.

Comm. Young asked what the applicant will do to take care of the tree on the left side of the property.

Planner Lowe replied that the applicant will install protective fencing, will remove fill by hand and add an aeration system for this tree (#2861).

Comm. Spokely if exterior modifications to the existing building will be brought before the Historic Design Review Commission for review.

Planner Lowe replied that they will be required to return to the Commission with any exterior changes.

The public hearing was opened.

The applicant, Frank Prach of 940 Lincoln Way stated that he is attempting to restore the building to its original condition.

Comm. Worthington asked what the age of the house is.

Mr. Prach replied that he has some documentation that indicates it was built in 1863.

There were no comments from the audience. The public hearing was closed.

Comm. Spokely **MOVED** to:

Adopt Resolution No. 09-2 for the approval of the Designs 1st
Parking Lot Tree Permit (File # TP 09-1) as presented.

Chair Worthington **SECONDED**.

AYES:	Snyder, Spokely, Vitas, Young, Chair Worthington
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was approved.

- C. **Use Permit - 649, 679 and 689 Lincoln Way (Boys & Girls Club) - File UP 09-1.** The applicant requests approval of a Use Permit for the Auburn Boys & Girls Club to establish a youth center in the Central Business District zone at 649, 679 and 689 Lincoln Way.

Comm. Vitas excused himself from this item and left the meeting due to a conflict of interest.

Director Wong presented the staff report. The Boys & Girls Club currently operates their organization on High Street. They plan to move to the new location which will give them much more room for their operations. The Boys & Girls Club is purchasing the subject parcel from Community 1st Bank. The complex is unusual since buildings occupy both the subject parcel and property owned by the Union Pacific Railroad. Union Pacific will only lease their property. City staff finds it to be existing legal nonconforming and have determined that the situation can continue.

Director Wong pointed out that the applicant questioned Condition #2 which prohibits the facility from being used by other clubs/groups without approval of a separate Use Permit application. Staff recommends a change in the wording of this condition, striking the second sentence, and adding "This Use Permit shall only be valid for the Boys and Girls Club of Auburn. This Use Permit shall not be transferrable to any other group, club or organization". The Use Permit itself will not be transferrable. Staff supports the applicant's request.

The Commissioners agreed that they celebrate the Community 1st Bank's willingness to share the site with this organization.

The applicant, Paul Aronowitz of 1830 Vista del Lago in Auburn stated that he is working with the Auburn Boys and Girls Club on this project. The Union Pacific lease is for 20 years with rent paid in advance. The only grounds for termination of the lease by Union Pacific is for use of the property for railroad purposes.

Comm. Spokely inquired about how the property at 689 Lincoln Way may be used.

Mr. Aronowitz said that they are unsure of how it will be used, but they have discussed using it as an art studio.

There being no comments from the audience, the public hearing was closed.

Comm. Snyder **MOVED** to:

Adopt Planning Commission Resolution No. 09-5 (Exhibit C)
to approve a Use Permit to operate a youth center at 649, 679
and 689 Lincoln Way as presented.

Comm. Young **SECONDED**.

AYES: Snyder, Spokely, Young, Chair Worthington
NOES: None
ABSTAIN: Vitas
ABSENT: None

The motion was approved.

Comm. Vitas returned to the meeting.

D. Ordinance Amendment (Land Use Appeals). The City of Auburn proposed to add Chapter 162: Land Use Appeals to the City of Auburn Municipal Code. The ordinance amendment updates the legal noticing requirements found in several sections of the municipal code and consolidates those requirements into one chapter.

Planner Murray presented the staff report. He explained that the current Auburn Municipal Code includes procedures to appeal decisions made by the City, however they are scattered throughout the chapters and are inconsistent. The City is proposing to rewrite the appeals sections of the land use titles to provide consistency. One change is proposed to the appeals procedure, called "Calls for Review by City Council" which gives a member of the City Council the ability to appeal an action by the Historic Design Review Commission, Planning Commission or the Director. The Council member would make it known that they wish to appeal and the City Council would decide if they want to consider the appeal or not.

Chair Worthington expressed her opposition to the additional provision for Calls for Review by City Council. She feels it de-values the Planning Commission's role.

Planner Murray further explained this new provision. This does not allow one Council member to make an appeal, but for the Council Member to notify the City Manager, and the City Council as a group will decide if the appeal should be made. In this situation, there would be no appeal fee collected. The Commission may make a recommendation that this new section be excluded from the proposed Ordinance Amendment.

There was further discussion about the proposed change.

Comm. Snyder **MOVED** to:

Adopt Planning Commission Resolution 09-3 recommending that the Auburn City Council adopt the Land Use Appeals Ordinance as presented.

Comm. Spokely **SECONDED**.

AYES: Snyder, Spokely, Vitas, Young
NOES: Chair Worthington
ABSTAIN: None
ABSENT: None

The motion was approved.

E. Ordinance Amendment (Environmental Quality) and Adoption of Local CEQA Guidelines. The City of Auburn proposes to amend the City of Auburn Municipal Code by repealing Chapter 151 (Environmental Quality) and adopting Local CEQA Guidelines by resolution.

Planner Murray presented the staff report. In 1972, the City adopted an Environmental Quality policy (now Chapter 151 of the Auburn Municipal Code). The last update was done in 1988. Staff has worked with the City Attorney to update the CEQA Guidelines. Staff proposes no changes to the environmental review fees at this time. The Commission's comments and recommendations will be forwarded to the Auburn City Council for their review and consideration.

There was discussion about the proposed amendment.

Chair Worthington **MOVED** to:

Adopt Planning Commission Resolution 09-4 recommending the Auburn City Council repeal Chapter 151 (Environmental Quality) and adopt Local CEQA Guidelines by resolution.

Comm. Snyder **SECONDED**.

AYES: Snyder, Spokely, Vitas, Young, Chair Worthington
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

ITEM V. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings
The City Council approved the Ordinance Amendment for noticing requirements, but they postponed for one year the consideration of the signage requirement.
- B. Future Planning Commission Meetings
There will be a meeting on February 17, 2009.
- C. Reports
None.

ITEM VI: PLANNING COMMISSION REPORTS

Chair Worthington asked about the joint workshop between City Council and the Planning Commission. She thought it was to be an annual event. Director Wong said that he will check into this.

With the mid-year budget cuts, the City will be unable to fund the Planning Commissioners for the Planner's Institute this year. However, staff is working on an in-house training.

ITEM VII: FUTURE PLANNING COMMISSION AGENDA ITEMS

None.

ITEM X: ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Susan Fraizer, Administrative Assistant